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10/530,744	04/08/2005	Young-Hec Lee	PLU-0002	7723
23413	7590	08/29/2007	EXAMINER	
CANTOR COLBURN, LLP			GEBREMICHAEL, BRUK A	
55 GRIFFIN ROAD SOUTH			ART UNIT	
BLOOMFIELD, CT 06002			PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/530,744

Applicant(s)

LEE ET AL.

Examiner

Bruk A. Gebremichael

Art Unit

3709

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 04/08/2005
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The specification is also objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).
Correction of the following is required: the term "learning method inducing function" (claim 13) should be defined. Appropriate correction is required.

Claim Objections

3. Claims 10, 17, 31 and 36 are objected to because of the following informalities: regarding claims 10 and 31, the phrase "and an yes" in the second line of the claims, is

Art Unit: 3709

believed to be in error for -- and a yes --. Regarding claims 17 and 36, the phrase "again seta and", in line 12 and line 11 of the claims respectively is believed to be in error for-- again set and --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 9 and 30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The term "learning method inducing function" is not explained.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 2,16, 20-22, 30-35, 37-38, the phrase "and/or" makes the claims indefinite as it is not clear which limitations are included in the claims.

Art Unit: 3709

Regarding claims 14-17, 35-36 the phrases "such as" and "etc" renders the claims indefinite because it is unclear whether the limitations following the phrases are part of the claimed invention. See MPEP § 2173.05(d).

Regarding Claims 9 and 30, the claims recites the limitation "the header" in line 2 of claim 9 and in line 1 of claim 30. There is insufficient antecedent basis for this limitation in the claim.

Regarding claims 1, 3 and 20, the claims recites the limitation "the minimum unit" in line 19 of claim 1, in line 4 of claim 3, and in line 4 of claim 20. There is insufficient antecedent basis for this limitation in the claim

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 11-14, 18-30, 32-35, and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward 2002/0138841 in view of Kellman 2005/0196730 and further in view of Futakuchi 2001/0051330.

Ward teaches the following claimed limitations: an internet learning system having terminals for allowing a learner to access educational service through the internet (Para.0042), a system operating server having a connection and an authentication section (FIG 2, label 115), a learning information management server having a management program for selectively storing learning information generated

Art Unit: 3709

from a learning procedure in a learning information database and extracting learning information necessary for the learning procedure from the learning information database (Para.0094 and FIG 2, label 120), a learning progress server having a conceptual contents configuration program, a problem configuration program, a test scoring program, and a learning plan configuration program for managing other programs within the learning progress server (Para.0043 and Para.0122, lines 7-11), a learning database server including a conceptual contents database in which each of the concepts of a learning range is subdivided by the minimum unit so that they can be easily reconfigured (Para.0086, lines 1-7 and Para.0104, lines 3-14), a problem database having problem groups in which two or more degrees of difficulty are divided every conceptual content of the conceptual contents database and having at least one problem every problem group (Para.0122), the header data being related to the learning contents are induced on the learning content of each of the conceptual contents database (Para.0039, lines 1-3) and the header data are connected to related learning dictionary database or conceptual contents database whereby if the learner selects the header data, a corresponding database is provided to the learner so that the learner can start learning immediately (Para.0039, lines 3-7) and a learning method inducing function is added to the learning plan configuration program and the learning contents of the conceptual contents database include sound such as voice, etc. and moving elements (Para.0039, lines 7-10), some or all of the system operating server system, the learning information management server system, the learning progress server and the learning data server are integrated and managed by a single learning server, or

Art Unit: 3709

stored in a storage medium that can be utilized by the learner or the helper (Para.0046 and FIG 1, label 105).

However, Ward fails to teach the following claimed limitations taught by Kellman: the learning database server having a learning dictionary database and/or the learning information management server having a learning note management program and/or a learning ability measurement program (Para.0060, lines 3-10), the problems related to each conceptual content of the problem database having three to ten steps on the basis of the degree of difficulty (Para.0057 and FIG 4, label 42), the conceptual contents database including two or more different description types of the concepts for a conceptual content (Para.0060 and 0062), a problem explanation file database having a configuration program for explaining each of the problems of the problem database (Para.0149, 0150, and FIG 11, label 83). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Ward by incorporating a problem explanation file database in order to provide feedback to the student regarding his/her response as taught by Kellman (Para.0150, lines 11-15).

Ward in view of Kellman teaches the claimed limitations as discussed above. However, Ward in view of Kellman fails to teach the following claimed limitation taught by Futakuchi: the learning information database in which personal learning information depots containing items related to a learner's history learned in the past and the learner's learning ability are databased (Para.0055). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Ward in view of Kellman by including learner's history and learning ability in learning information

Art Unit: 3709

database in order to select more appropriate questions for each student as taught by Futakuchi (Para.0055, lines 4-9).

Regarding claims 3-8 and 20-29, the examiner takes official notice that a data packet structure is well known in the art and as such it is obvious to one of ordinary skill in the art to allocate any given number of bits in the header of any data packet for classification or identification purpose.

Claims 10 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward 2002/0138841 in view of Kellman 2005/0196730, in view of Futakuchi 2001/0051330 and further in view of Ziv-El 6,302,698. Ward in view of Kellman and further in view of Futakuchi teaches the claimed limitations as discussed above. However, Ward in view of Kellman and further in view of Futakuchi fails to teach the following claimed limitation taught by Ziv-El: automatic scoring of an objective problem and a yes or no problem using the test scoring program and for subjective problems for which automatic scoring is difficult, the learner or the learning assistant scores the problems and then inputs the scoring result, in a state where the basis of scoring of corresponding problems is stored at the learning data server (col.4, lines 10-23). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Ward in view of Kellman and further in view of Futakuchi by allowing a teacher to evaluate subjective questions, and automatically scoring objective questions in order to provide a complete record and performance statistics as taught by Ziv-El (col.4, lines 10-23).

Art Unit: 3709

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Futakuchi 2001/0051330 in view of Jongsma 6,267,601 and further in view of Norcott 2003/0143517.

Futakuchi teaches the following claimed limitations: a learning method using an Internet learning system having the steps of allowing a learner to enter an Internet learning site and access a learning system (Para.0004), allowing the learner to input learning conditions such as a learning range etc (Para.0006, lines 1-8), allowing a learning information management program to analyze information related to learning such as the learner's learning history a learning ability, etc. that are received from a learning information database and then to present an adequate learning progress sequence to the learner (Para.0055), and storing learning-related information, generated in each of the steps in the learning information database (See FIG 2, label 4).

However, Futakuchi fails to teach the following claimed limitations taught by Jongsma: allowing a leaning plan configuration program to manage the learning progress sequence in which some steps or previous steps or each step among a step of scoring the problems tested by the learner through a test scoring program are overlapped, and the learning contents (col.1, lines 54-60 & col.2, lines 19-33). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Futakuch in view of Jongsma by using a program that tracks the learner's progress in order to allow the learner to assess his/her scoring efficacy as taught by Jongsma (col.2, lines 14-18).

Art Unit: 3709

Futakuch in view of Jongsma teaches the claimed limitations as discussed above. However, Futakuch in view of Jongsma fails to teach the following claimed limitation taught by Norcott: extracting/configuring necessary problems from a problem database through a problem configuration program and then presenting the configured problems to the learner for a test (Para.0031, lines 8-11). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Futakuch in view of Jongsma by extracting the necessary problems from the database and presenting the problems to the user in order to tailor the questions to the specific user as taught by Norcott (Para.0031, lines 2-11).

Claims 16-17 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Futakuch 2001/0051330 in view of Jongsma 6,267,601, in view of Norcott 2003/0143517 and further in view of Kellman 2005/0196730.

Futakuch in view of Jongsma and further in view of Norcott teaches the claimed limitations as discussed above. However, Futakuch in view of Jongsma and further in view of Norcott fails to teach the following claimed limitations taught by Kellman: before the learner studies the problems, extracting/configuring necessary conceptual contents from a conceptual contents database through a conceptual contents configuration program and then presenting the configured conceptual contents to the learner, etc.(Para.0060), and/or the step of after the step of scoring the tested problems, extracting/configuring necessary problem explanation files from a problem explanation file database through a problem explanation file configuration program and then presenting the configured files to the learner, etc. or simulate corresponding conceptual

Art Unit: 3709

content (Para.0149 & 0150), a configuration of problems for a text that will be performed again in connection with a learning range after the learner tests the problems and then learned the problems, regarding hit problems in a just-before test, it is a principle that Problems whose degrees of difficulty are increased among problems related to the same conceptual content are set again (Para.0017 and 0062), the number of the problems to be set is gradually reduced or same, and if the learner reaches a target learning level by hitting the problems of the final degree of difficulty that is selected by the learner, etc. through repeated review, the problems are excluded from learning subjects (Para.0016, lines 1-12 and Para.0017, lines 3-7), and regarding the wrong problems in the just-before test, problems are again set and the number of the set problems is gradually increased or same, thus providing a change that the learner can repeat learning on unknown problems (Para.0014). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Futakuch in view of Jongsma and further in view of Norcott by incorporating a problem retirement scheme in order to allow the learner to focus on the questions where improvement is needed, as taught by Kellman (Para.0016, lines 9-12).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruk A. Gebremichael whose telephone number is (571)270-3079. The examiner can normally be reached on Monday to Friday (7:30AM-5:00PM) ALT. Friday OFF.


Art Unit: 3709

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenburg can be reached on (571)272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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08/21/2007.



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8/21/07